

MINUTES  
Waukesha County Storm Water Advisory Committee Meeting  
January 10, 2005

The meeting was called to order by chairman Perry Lindquist at 1:15 p.m. The following committee members were present:

Jim D'Antuono – Wisconsin Department of Natural Resources  
Perry Lindquist – Waukesha County Land Resources  
Mike Hahn – SE Wisconsin Regional Planning Commission  
Gary Evans – Waukesha County Public Works  
Tom Chapman – Milwaukee Metropolitan Sewerage District  
Mark Mickelson – Welch, Hanson and Associates  
Walter Kolb – Waukesha County Board of Supervisors  
Paul Day – City of Waukesha  
Curt Bolton – Village of Sussex  
Tim Barbeau – R.A. Smith and Associates  
Richard Mace – Waukesha County Planning and Zoning  
John Siepmann – Siepmann Realty Corporation  
Neal O'Reilly – Hey and Associates

Others present:

Mark Jenks - Waukesha County Land Resources (recorder)

### **Minutes**

Minutes of the December 6, 2004 meeting were e-mailed to group prior to the meeting. Perry asked if there were any suggested changes or comments on the minutes. Hearing no comments the minutes were approved by consensus.

### **Project / Program Updates**

Waukesha County Floodplain Mapping Project – Mike Hahn indicated that a new priority list of streams would be distributed to communities shortly.

### **Begin Review of 12/29/04 draft Storm Water Management & Erosion Control Ordinance**

The group then began discussion of the latest draft of the Waukesha County ordinance which includes Sections 14-334 through 14-337. These sections include more of the technical discussion related to the ordinance. Perry indicated that included with the latest draft is an updated Table of Contents. One correction that will be made to the Table of Contents is that Section 14-335(e) should read “Technical Exemptions” instead of “Technical Exceptions.” This correction will be made in future drafts.

**Sec. 14-334. Erosion Control Plan Requirements.** Discussion began with a question about who determines “maximum extent practicable” and where this term originated. It was agreed that this term originated with the Environmental Protection Agency and that determination of

achieving this goal is made by the person enforcing the standard, usually through local ordinance or by the DNR. This will be an exercise of professional judgment since erosion control and storm water management is not an exact science.

**Sec. 14-334.(a) General Erosion Control Plan Requirements and Performance Standards.**

The 80 percent sediment reduction goal comes straight from the administrative rule NR 151. The question was raised about how this would be determined. Perry thought it was unrealistic to require every applicant to demonstrate compliance with this standard by running a model such as the Revised Universal Soil Loss Equation before a permit would be issued. The draft language would allow for automatic compliance as long as the specific requirements are met in the following sections. This language will need to be approved by the DNR as part of an authorized local program. It was agreed that if a good plan is developed and implemented for erosion control, it will be assumed that the performance standard is being met.

**Sec 14-334.(b) Guiding Principles for Erosion Control.** Perry explained that this language is new to the ordinance, but that the principles have been commonly accepted as good development practices for some time. There was some concern expressed about sub. 4. relating to floodplains, wetlands, etc. Perry clarified that this ordinance is not to be used to make land use decisions, it is just recognizing the limitations for placement of BMPs. After additional discussion, it was decided to leave the language in sub. 4 as is. It was agreed to eliminate the word “predevelopment” in sub.1.

**Sec 14-334.(c) Specific Erosion and Sediment Control Plan Requirements.** Perry indicated that this section provides more of the detailed requirements that need to be addressed in order to have a good erosion control plan. Most of the language is consistent with current checklists being used. The underlined portions have been added either as a result of new technical standards or past experience with implementing the ordinance.

**Sec 14-334.(c) 4. Soil Stockpiles.** The additional language at the end of this section has been added since there has been a demonstrated need to address this issue up front. The idea is to prevent soil stockpiles sitting idle for extended periods of time with no provisions for erosion control. It was agreed that the term “water resources” will be more descriptive in the next draft.

**Sec 14-334.(c) 5. Cut and Fill Slopes.** After a brief discussion about the feasibility of specifying maximum slopes based on soil type, it was decided to leave the language as is.

**Sec 14-334.(c) 10. Dust Control.** Some concern was expressed about the application of this portion of the ordinance. After some discussion it was decided to leave the language as is. As with many parts of this ordinance, proper application of the standards is a result of clear communication of the expectations for erosion control on the project site and professional judgment on the part of the regulator. It was also noted that this is in line with the guiding principle of phasing construction to limit the amount of area disturbed at any time.

**Sec 14-334.(c) 11. Topsoil Application.** During the discussion of this section it was noted that some communities have enacted ordinances to prohibit the removal of topsoil from a project site unless it can be demonstrated that there will be a surplus. After additional discussion it was decided to leave the language as proposed.

**Sec 14-334.(c) 17. Site Drainage.** Cross-reference was changed to **14-335(d)6.**

**Sec 14-334.(d) Preliminary Erosion Control Plan Contents.** Perry indicated that while this language is being added to the ordinance, it has been a policy of the county for several years and has been reflected in the checklists utilized by the county staff during that time.

**Sec 14-334.(d).3.B.** “Tree ages” is changed to read “tree sizes.”

**Sec 14-334.(e).1.D.** Additional language inserted here for utilities to be installed by open cut since the lineal feet is the number utilized to determine the permit fee.

**Sec 14-334.(e).2.B.(iv).** Some confusion was expressed about how this section is presently worded. A future draft will attempt to clarify the language.

**Sec 14-334.(e).2.C.(ii).** This language is being added to stress the importance of the applicant understanding the requirements the ordinance before submitting plans.

**Sec 14-334.(e).2.C.(vi).** This is a new requirement to try and coordinate land disturbing activities with utility companies earlier in the planning process and avoid the need for multiple site stabilization efforts.

**Sec. 14-334.(e).2.C.** Perry suggested that an item (vii) also be added to this section: “Documentation of any other calculations used to determine compliance with this ordinance.” This would allow for applicants to submit results from SLAMM, RUSLE or other pertinent models.

**Sec 14-335. Storm Water Management Plan Requirements.** The group then began review of the requirements for storm water management plans, which incorporates the new DNR codes. Perry noted that item (b) **Guiding Principles for Storm Water Management** is not in DNR codes, but he believes is necessary to give applicants more guidance on expectations in plans, similar to **Sec. 14-334(b) Guiding Principles for Erosion Control**.

**Sec 14-335.(b).E.** After some discussion it was decided to replace the words “groundwater recharge” with “infiltration.”

**Sec 14-335.(b).F.** It was decided to replace “native plantings” with “deep rooted plantings” and remove the term “attenuation.”

**Sec 14-335.(b).G.** Change the word “clean” to “cleaner.”

**Sec 14-335.(c) Site plan Map Requirements.** Perry indicated that this language is mostly from current checklists used to implement the storm water ordinance and land division reviews. Item **14.** has been expounded upon to identify hydric soils, and item **20.** was added to reflect the new requirement for “protective areas” later in the ordinance.

**Sec 14-335.(d) Specific Storm Water Management Plan Requirements and Performance Standards.** The final discussion of the day centered on definitions of **1. Peak Discharge** and **1. B. Unit Peak Discharge**. Although the term “peak discharge” is generally understood by the engineering profession, there was some confusion about how the term “unit peak discharge” was being utilized. After some discussion it was decided to reword **1.B.** to read “**B. Release Rate**”

**per Acre. The LRD may establish a maximum allowable release rate on a per acre basis, for a variety of storm events.....”** Perry explained that this language was added primarily as a placeholder since the committee has agreed that this is a preferred methodology in the future. Several committee members noted that matching predevelopment peaks may not accomplish the objectives of downstream flood control, but would be acceptable for now. We will review the predevelopment runoff curve numbers specified in the next section.

At this point in the meeting it was already past 3:30 so it was decided to adjourn and resume discussion of the draft ordinance at **Sec 14-335.(d).2. Total Suspended Solids** at the next meeting.

### **Future Meeting Dates**

Future meetings are scheduled for:    January 17, 2005  
    January 31, 2005  
    February 14, 2005  
    February 21, 2005

All meetings are set to begin at 1:00 PM.